

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

FREEDOM MORTGAGE CORPORATION

Plaintiff

v.

PETER R. HICKS AND SANDRA D. HICKS

2:19-cv-00161-LEW

Defendants

JUDGMENT OF FORECLOSURE AND SALE

Address: 101 Oak Hill Road, Auburn, ME 04210
Mortgage: April 25, 2014, Book: 8903, Page:139

This matter came before the Court for a testimonial hearing on Plaintiff's Motion for Default Judgment on November 15, 2019. Plaintiff, Freedom Mortgage Corporation, was present and represented by John A. Doonan, Esq. Defendants, Peter R. Hicks and Sandra D. Hicks, did not appear.

All persons interested having been duly notified in accordance with the law, and after hearing, the Plaintiff's Motion for Default Judgment is GRANTED. Count II - Breach of Note, Count III - Breach of Contract, Money Had and Received, Count IV - Quantum Meruit, and Count V - Unjust Enrichment are hereby **DISMISSED** without prejudice at the request of the Plaintiff. **JUDGMENT** on Count I - Foreclosure is hereby **ENTERED** as follows:

1. If the Defendants or their heirs or assigns pay Freedom Mortgage Corporation ("Freedom") the amount adjudged due and owing (\$147,868.23) within 90 days of the date of the Judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, Freedom shall forthwith discharge the Mortgage and file a dismissal of this action on the ECF Docket. The following is a breakdown of the

amount due and owing:

Description	Amount
Unpaid Principal Balance	\$129,427.21
Interest	\$9,437.40
Late Charges	\$643.85
Escrow Advances	\$5,847.49
Title	\$405.00
Commitment/Exam/Search	
FC Attorney Fees	\$1,150.00
Filing Fee	\$468.00
VPR-Municipality Fee	\$75.00
Certified Statutory Mailing	\$9.28
FC Process Server/Postage	\$120.00
Property Inspection Fee	\$285.00
Grand Total	\$147,868.23

2. If the Defendants or their heirs or assigns do not pay Freedom the amount adjudged due and owing (\$147,868.23) within 90 days of the judgment, as that time period is calculated in accordance with 14 M.R.S.A. § 6322, their remaining rights to possession of the Auburn Property shall terminate, Freedom shall conduct a public sale of the Auburn Property in accordance with 14 M.R.S.A. § 6323, disbursing the proceeds first to itself in the amount of \$147,868.23 after deducting the expenses of the sale, with any surplus to the Defendants or the heirs or assigns, in accordance with 14 M.R.S.A. § 6324. Freedom may not seek a deficiency judgment against the Defendants pursuant to the Plaintiff's waiver of deficiency at trial.
3. Pursuant to 14 M.R.S.A. § 2401(3)(F), the Clerk shall sign a certification after the appeal period has expired, certifying that the applicable period has expired without action or that the final judgment has been entered following appeal.
4. The amount due and owing is \$147,868.23.
5. Freedom Mortgage Corporation has first priority, in the amount of \$147,868.23, pursuant to the subject Note and Mortgage and there are no parties in interest other

than the Defendants who have second priority.

6. The prejudgment interest rate is 4.37500%, *see* 14 M.R.S.A. § 1602-B, and the post-judgment interest rate is 8.59%, *see* 14 M.R.S.A. § 1602-C.
7. The following information is included in this Judgment pursuant to 14 M.R.S.A. § 2401(3):

	<u>PARTIES</u>	<u>COUNSEL</u>
PLAINTIFF	Freedom Mortgage Corporation	John A. Doonan, Esq. Reneau J. Longoria, Esq. Doonan, Graves & Longoria, LLC 100 Cummings Center Suite 225D Beverly, MA 01915
DEFENDANT	Peter R. Hicks 101 Oak Hill Road Auburn, ME 04210	NA
	Sandra D. Hicks 101 Oak Hill Road Auburn, ME 04210	NA

- a) The docket number of this case is No. 2:19-cv-00161-LEW.
- b) The Defendants, the only parties to these proceedings besides Freedom, received notice of the proceedings in accordance with the applicable provisions of the Federal Rules of Civil Procedure.
- c) A description of the real estate involved, 101 Oak Hill Road, Auburn, ME 04210, is set forth in Exhibit A to the Judgment herein.
- d) The street address of the real estate involved is 101 Oak Hill Road, Auburn, ME 04210. The Mortgage was executed by the Defendants on April 25, 2014. The

book and page number of the Mortgage in the Androscoggin County Registry of Deeds is Book 8903, Page 139.

- e) This judgment shall not create any personal liability on the part of the Defendants but shall act solely as an in rem judgment against the property, 101 Oak Hill Road, Auburn, ME 04210.

SO ORDERED

Dated this 18th day of November, 2019.

/s/ Lance E. Walker
United States District Judge